

Agreement between the Government of the United States of
America and the Government of the Kingdom of Morocco
Regarding the Surrender of Persons to the International
Criminal Court

The Government of the United States of America and the
Government of the Kingdom of Morocco, hereinafter "the
Parties,"

Reaffirming the importance of bringing to justice those who
commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International
Criminal Court done at Rome on July 17, 1998 by the United
Nations Diplomatic Conference of Plenipotentiaries on the
Establishment of an International Criminal Court is
intended to complement and not supplant national criminal
jurisdiction,

Considering that the Parties have each expressed their
intention to investigate and to prosecute where appropriate
acts within the jurisdiction of the International Criminal
Court alleged to have been committed by their officials,
employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agree as follows:

1. For the purposes of this Agreement, "persons" of either
Party include all nationals of that Party and, for the
Government of the United States of America, also include
current and former non-U.S. national U.S. military
personnel with respect to acts or omissions allegedly
committed or occurring while they are or were U.S. military
personnel.

2. Persons of one Party present in the territory of the
other shall not, absent the express consent of the first
Party,

(a) be surrendered or transferred by any means to the
International Criminal Court for any purpose, or

- (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.

3. When the Government of the United States of America extradites, surrenders, or otherwise transfers a person of the Kingdom of Morocco to a third country, the Government of the United States of America will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of the Kingdom of Morocco.

4. When the Government of the Kingdom of Morocco extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Kingdom of Morocco will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the express consent of the Government of the United States of America.

This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force until one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done in New York, in duplicate, this 24th day of September, 2003, in the English and French languages. In case of differences of interpretation, the English language will prevail.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:

John R. Bolton

FOR THE GOVERNMENT OF THE
KINGDOM OF MOROCCO:

[Signature]